IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Bail Appl..No. 1222 of 2007()

AGAINST THE ORDER IN LPC.168/2006 IN
CC.174/2004 of C.J.M.,KASARAGOD

.....

: PETITIONER/ACCUSED

ANSAR.R.,S/O.ABDUL KHADER,
VADAKUM BAGATH, CHEMNAD, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT: COMPLAINANT

STATE OF KERALA REP. BY
THE SUB INSPECTOR OF POLICE,
KASARAGOD POLICE STATION, REP. BY
THE PUBLIC PROSECUTOR,ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - - -

BAIL APPLICATION NO.1222 OF 2007

- - - - - - - - - ----------------------- - - - - -

DATED THIS THE 1ST DAY OF MARCH, 2007

O R D E R

Petitioner who is the second accused in Crime No.928/03 of Kasargod Police Station for offences punishable under sections 323, 326 and 427 read with section 34 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.174/04 on the file of the C.J.M., Kasargod, the case against him was transferred to the long pending register as L.P.C.No.168/06. Admittedly, non-bailable warrants of arrest are pending against the petitioner.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the C.J.M., Kasargod and seek regular bail. Accordingly, if the petitioner surrenders before the C.J.M., Kasargod and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn